

The Examiner has rejected claims 1 to 14 under 35 U.S.C. §102(b) as being anticipated by Braman et al, International Publication WO 99/14928.

In particular, the Examiner has rejected claim 1 on the basis that Braman describes a training method that customizes a speech interface by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as terminology identified as the speech user interface subsystem, accessing it from an input device, a profile database of an application system, selecting a profile from it for customization, user-defined functions for use within the profile, customizing them, saving the profile in the profile database, a speech-based user interface to an application system, providing the profile to it for presentation, and providing the profile to it upon subsequent access by the user.

The Applicant respectfully traverses. A reference anticipates a claim if it discloses every element of the claim. [See Scripps Clinic & Res. Found. v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991); Richardson v. Suzuki Motor Co., 868 R2d 1226, 1236 (Fed. Cir. 1989)]. Anticipation is determined by identifying the elements of the claims, determining their meaning in light of the specification and prosecution history, and identifying corresponding elements disclosed in the allegedly anticipating reference." [See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458 (Fed. Cir. 1984)]. The absence from the reference of any claimed element negates anticipation [See Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986)].

The Braman reference does not anticipate claim 1 because several elements thereof are not described in that publication.

The Braman title and abstract cited at paragraph 1 of the Action is not enabling and does not disclose the invention for prior art purposes because it "does not place the subject matter of the claims within 'the possession of the public.'" [See, e.g. In re Wilder, 429 F.2d 447, 451 (C.C.P.A. 1970) (quoting In re LeGrice, 301 F.2d 929, 939 (C.C.P.A. 1962)).] Indeed, the enablement provided by the reference is limited to the mobile telecommunications systems as defined at page 3, lines 4 and 5 therein.

The Braman element at page 4, lines 8 to 13, described as an input device "as connect to VAS by calling from a cellular handset" at paragraph 6 of the Action, does not anticipate the input

device of claim 1. The capability to graphically configure the application system, as described in the present specification at page 11, lines 19 to 30, is not disclosed.

The "accessing" of the speech user interface subsystem cited at paragraph 6, line 6 of the Action does not anticipate the manual access capability of claim 1 as described at page 10, lines 13 to 16.

The "profile database of an application system" claimed is not anticipated by the cited references in Braman. Fig. 1 does not provide enabling details for the database. The description of the data storage subsystem of a cellular telephone network, storing recognition data derived from subscribers and user dialing entries derived from subscribers, cited to page 3, lines 23 to 24, references an introductory sentence that is not enabling. The reference to a data subsystem storing directory at page 5, line 17, is also non-enabling because no details are provided therein.

The Braman element at page 4, lines 13 to 21, described as "utilize an existing directory for ADD", does not anticipate the claim 1 element wherein a profile is selected from the database for customization. The text in Bramannam at page 5, line 1 instead describes the programming of a new directory entry, rather than the customization of an existing profile.

The claim 1 "user-defined functions for use within the profile" are not disclosed by Braman at page 5, line 1 because the described "caller-programmed directory entries for programming as directory entries" are not definable using a graphical interface. This capability is described in the present specification at page 11, lines 19 to 30.

The references to the customizing and saving steps are similarly not provided by a graphical interface.

The reference to a "speech recognition and trainable dialing entry system VAS of a cellular telephone network" at page 3, lines 16 to 26 does not enable "a speech-based user interface to an application system" in claim 1. The text generally discusses the system rather than the interface, and only vaguely describes the derivation of entries by subscribers. This does not anticipatorily disclose the interface.

The referenced phrase to "providing the profile to it for presentation" is not part of claim 1 and

does not anticipate that claim.

The reference to "provide dialing information in future calls of a caller to obtain access" is not provided at page 7, lines 7 to 13. The claim 1 element "providing the profile to [it] upon subsequent access by the user" is not anticipated by the text at those lines because other forms of access, including non-speech means, are described at page 12, line 24 in the present specification.

The Applicant submits a prima facie anticipation rejection has not been established. The prior art has foreclosed the Examiner's ability to provide facts and/or technical reasoning to reasonably support the determination that the characteristics necessarily flow from the teachings of Braman. Because the Action does not contain these materials, the prima facie case is not established. [See e.g., Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int. 1990)]. It is also noted that no case for inherency is provided.

The Braman reference does not anticipate claim 2 because several elements thereof are not described in that publication. The method in claim 2 wherein the customizing step comprises "specifying information" is not disclosed by Braman at page 5, line 1 because the described "caller-programmed directory entries for programming as directory entries" are not specified using a graphical interface. This capability is described in the present specification at page 11, lines 19 to 30.

The aspect wherein this "specif[ied] information" is "presented in a status summary" is not disclosed at page 5, lines 29 to 30 of Braman because the reference to "VAS recites a list of directory entries" discloses recital by audio means and does not provide visual presentation as is described in the specification at page 10, lines 5 and onward.

The Braman reference does not anticipate claim 3 because several elements thereof are not described in that publication. The method in claim 3 wherein the customizing step comprises "specifying a command menu structure" is not disclosed by the text of Braman at page 5, lines 27 to page 6 that describes "going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, instructing the caller" because the command structures that may be specified in the present invention include selection of different voices and external information components (page 12, lines 26 to 32). See also page 9, lines 4 to 20. As well, the prompts are provided only via cellular telephony and not by land-line telephones

and other audio-based devices as described at page 12, line 4.

The method in claim 3 wherein the command structure is "specified in a dual tone multi frequency driven user interface" is not disclosed at page 5, line 6 of Braman because "as the call and VAS are conferenced and a DTMF receiver is attached" is limited to calls conferenced by the cellular telephony in the description. Braman does not disclose conferencing by calls received from land-line telephones and other audio-based devices as described at page 12, line 4.

The method in claim 4 wherein the customizing step comprises "specifying a vocabulary structure" is not disclosed by Braman at page 5, lines 27 to page 6. That text describes "going into the PROGRAM mode includes prompting the caller to speak a NAME and NUMBER, asking the caller for answers such as 'yes' ". The vocabulary structures that may be specified in the present invention includes the selection of different voices and external information components (page 12, lines 26 to 32). See also page 9, lines 4 to 20. Braman does not disclose specific external information components. As well, the prompts in Braman are provided to the caller only via cellular telephony.

The Braman reference does not anticipate claim 4 because several elements thereof are not described in that publication. The method in claim 4 wherein the command structure is "specified in a speech recognition driven user interface" is not disclosed at page 5, lines 1 to 11 of Braman because "as the VAS retrieves a command stated by the caller and goes into the mode" describes interaction with the caller where commands are stated and retrieved using cellular telephony. This does not anticipate retrieval with other audio-based inputs or key-based inputs described at page 14, lines 21 to 25.

The Braman reference does not anticipate claim 5 because several elements thereof are not described in that publication. The method in claim 5 wherein the customizing step comprises "creating an additional function that accesses elements external to the application system" is not disclosed by Braman at page 5, lines 1 to 11. That text is alleged to describe "programming includes commands to reroute the call to connect to an information service". The text at the citation does not state these features. Instead, it describes the callers' use of a pre-existing function wherein a new directory entry is programmed, using inputs from a cell telephone call that rerouted to the mobile telephone exchange switch (MTX) of the cellular network after intermediate steps including issuance of a hookflash, parking the incoming call, and other

steps. This call routing merely updates the stored directory "information service" that is an internal part of the application system. The present invention expressly describes access to external elements such as those connected to the internet (page 15, lines 3 to 15), as well as the audio, climate and information functions in an automobile (page 14, lines 27 to 35).

The Braman reference does not anticipate claim 6 because several elements thereof are not described in that publication. Regarding claim 6, the Examiner states that Braman "describes a speech interface by describing the content and functionality of the recited limitations recognizable as a whole to one, versed in the art as the following terminology:" The title and abstract cited do not describe these limitations with particularity, are not enabling, and do not expressly anticipate the features of claim 6.

The Examiner states that the element "receiving an access request from a user" in claim 6 is described by Braman at page 4, lines 8 to 13, wherein "as a caller initiates a call". This element is not anticipated because the call is initiated from a cellular handset, and the additional capabilities of the present invention, whereby the access request can be initiated by other audio devices or by computer, is not described.

The Examiner states that the element "a profile database" in claim 6 is described by Braman at page 3, lines 23 to 24, as "data storage subsystem storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory". The present invention stores other information, including access to external sources, and the capability is not limited to storage of the above-noted data and user dialing entries. The database is also accessible by the graphical configuration component as noted at page 10, lines 5 to 20. The databases's ability to store data is achieved through a different means.

The Examiner states that the element "retrieving a profile from [a profile database]" in claim 6 is described by Braman at page 4, lines 13 to 21, as "utilize an existing directory". The text at that citation notes that the utilization is achieved by verbal commands on a cell handset. The retrieval step in the present invention can be achieved with other audio devices, and with non-audio access as well.

The Examiner states that the element "the profile is customized for the user comprising user-defined functions" in claim 6 is described by Braman at page 5, line 1, as

"caller-programmed directory entries for programming as directory entries". The text does not state these features. Instead, it describes the programming of a new directory entry by the caller, whereby the VAS captures a directory name selected by the caller. The VAS then issues a hookflash to the programmable switch which is reported to the host. The caller cannot communicate inputs by non-audio means, by audio means other than a cell handset, or by physical means via a computer. Additionally, the caller in Braman uses pre-existing functions to provide a new entry in an existing directory.

The Examiner states that the element "presenting the functions in accordance with the profile" in claim 6 is described by Braman at page 4, lines 13 to 21 as "utilize an existing directory for REVIEW". The text does not state these features. Instead, at the relevant part it describes the programming of a new directory entry by the caller, whereby the menu with the REVIEW option is accessed by the caller by cell handset. Use of the REVIEW feature is not described. The presentation of functions as claimed can be provided to the user by non-audio means, by audio means other than a cell handset, or by physical means via a computer.

The Examiner states that the element "presenting them via a speech base user interface" in claim 6 is described by Braman at page 5, lines 30 to 32 as "the VAS retrieves a command stated by the caller and goes into the mode". The text at that citation describes receipt of a verbal command from the caller handset after he receives an audio prompt from a pre-arranged menu. The verbal command is passed from the handset to the MTX, the MIN is logged, and the call is routed to the VAS for retrieval. The VAS then goes into PROGRAM MODE. No user-defined functions are presented to the user in this excerpt. The user in the present invention is presented with such functions by a variety of means not limited to cell handsets.

The Examiner states that the element "the interface is customized" in claim 6 is described by Braman at Fig. 1, item 20 and page 3, lines 16 to 26 as "trainable dialing entry system and speech recognition VAS". The text at that citation is a generally introductory discussion (see, e.g., line 24), and is limited to an embodiment wherein an MTX switch is used. No enablement of the customization of the interface is taught.

The Braman reference does not anticipate claim 7 because several elements thereof are not described in that publication. Regarding claim 7, the Examiner states that the element "user defined functions" is described by Braman at page 5, line 1 as "directory entries from programming". This excerpt describes the capture of the directory name from the caller's cell

handset and determination of corresponding phone number. No user-defined function is involved in the application of this pre-existing functionality.

The Examiner states that the element "they comprise a status summary" in claim 7 is described by Braman at page 5, lines 29 to 30 as "VAS recites a list of directory entries". The claim element refers to embodiments including the user-defined summary based on the information in the user's customized profile as noted at page 11, line 6. The cited text refers instead to the audio recitation of a telephone directory over the caller's cell handset.

The Braman reference does not anticipate claim 8 because several elements thereof are not described in that publication. Regarding claim 8, the Examiner states that the element "user defined functions" is described by Braman at page 5, line 1 as "directory entries from programming". The Applicant adopts the comments above in respect of claim 6.

The Examiner states that the element "they comprise specifying a command menu structure" in claim 8 is described by Braman at page 5, lines 27 to page 6 as "going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, instructing the caller". That text describes "going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, instructing the caller". This text discusses the caller's responses to commands provided from a pre-existing function menu via a cell handset, and does not enable the specification of this existing menu. The command menu structures that may be specified in the present invention include the selection of different voices and external information components (page 12, lines 26 to 32). See also page 9, lines 4 to 20. Braman does not disclose specific external information components. As well, the prompts in Braman are provided to the caller only via cellular telephony.

The Examiner states that the element "it is specified in a dual tone multi frequency driven user interface" in claim 8 is described by Braman at page 5, line 6 as "the call and VAS are conferenced and a DTMF receiver is attached". The cited text does not describe such conferencing. This text refers to one step in a scenario where the caller "programs" a new directory entry into the existing database. The cited excerpt refers to the step wherein the host commands the programmable switch to attach DTMF receiver toward VAS. The call remains parked. In contrast, the invention describes a DTMF driven user interface with a command menu structure of user-defined functions operating with DTMF key strokes on any device that provides this functionality. The DTMF keystrokes in Braman are again sent only by a cell

handset.

The Braman reference does not anticipate claim 9 because several elements thereof are not described in that publication. Regarding claim 9, the Examiner states that the element "user defined functions" is described by Braman at page 5, line 1 as "directory entries from programming". The Applicant adopts the comments above in respect of claim 6.

The method in claim 9 wherein the customizing step comprises "specifying a vocabulary structure" is not disclosed by Braman at page 5, lines 27 to page 6. That text describes "going into the PROGRAM mode includes prompting the caller to speak a NAME and NUMBER, asking the caller for answers such as 'yes' ". The vocabulary structures that may be specified in the present invention includes the selection of different voices and external information components (page 12, lines 26 to 32). See also page 9, lines 4 to 20. Braman does not disclose specific external information components. As well, the prompts in Braman are provided to the caller only via cellular telephony.

The Examiner states that the element "it is specified in a speech recognition driven user interface" in claim 9 is described by Braman at page 5, lines 30 to 32 as "the VAS retrieves a command stated by the caller and goes into the mode". The text at that citation describes receipt of a verbal command from the caller handset after he receives an audio prompt from a pre-arranged menu. The verbal command is passed from the handset to the MTX, the MIN is logged, and the call is routed to the VAS for retrieval. The VAS then goes into PROGRAM MODE. No user-defined functions are presented to the user in this excerpt. The user in the present invention is presented with such functions by a variety of means not limited to cell handsets.

The Braman reference does not anticipate claim 10 because several elements thereof are not described in that publication. Regarding claim 10, the Examiner states that the element "user defined functions" is described by Braman at page 5, line 1 as "directory entries from programming". In rebuttal, the Applicant adopts the comments above in respect of claim 6.

The Examiner states that the element in claim 10 wherein the user defined functions "comprise creating an additional function that accesses elements external to the application system" is disclosed at page 5, lines 1 to 11 of Braman as "programming includes commands to reroute the call to connect to an information service." The text at the citation does not state these

features. Instead, it describes the callers' use of a pre-existing function wherein a new directory entry is programmed, using inputs from a cell telephone call rerouted to the mobile telephone exchange switch (MTX) of the cellular network. This call routing merely updates the stored directory "information service" that is an internal part of the application system. The present invention expressly describes access to external elements such as those connected to the internet (page 15, lines 3 to 15), as well as the audio, climate and information functions in an automobile (page 14, lines 27 to 35).

The Braman reference does not anticipate claim 11 because several elements thereof are not described in that publication. The Examiner has rejected claim 11 on the basis that Braman describes a communication system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as terminology identified as "a device, it is an input device, it is an audio output device, an application system, a speech based user interface for use with the application system, customization means permitting customization of the interface, a profile database, and a speech user interface subsystem.

In particular, the Examiner states that the communication system of claim 11 is disclosed at Fig. 1 of Braman. This illustration is not sufficiently detailed, is not enabling, and does not describe the use of technology where cell handsets are not used.

The Examiner states that the element "a device" of claim 11 is disclosed at page 4, lines 8 to 13 of Braman as "a cellular handset". The claimed device is not limited to cellular handset constructs.

The Examiner states that the element "an input device" of claim 11 is disclosed at page 4, lines 8 to 13 of Braman as "the cellular handset connects by calling". The claimed input device is not limited to cellular handset constructs.

The Examiner states that the element "an audio output device" of claim 11 is disclosed at page 7, lines 7 to 9 of Braman as "the connected call plays voice messages". This text refers to use of a cell handset. The claimed audio output device is not limited to cellular handset constructs.

The Examiner states that the element "an application system" of claim 11 is disclosed at Fig. 1 of Braman as "a cellular telephone network". This illustration does not describe a system that also included non-cellular technologies.

The Examiner states that the element "a speech based user interface for use with the application system" of claim 11 is disclosed in Braman at Fig. 1 at items 14, 15, and 20, and at page 3, lines 16 to 26 as "speech recognition and trainable dialing entry system VAS of a cellular telephone network". The illustration and text do not describe a system that also includes systems using non-cellular technologies.

The Braman reference does not anticipate claim 12 because elements thereof are not described in that publication. Regarding claim 12, the Examiner states that the element "the application system is a unified communications system" is described by Braman at page 7, lines 10 to 13 as "the system provides dialing information, DTMF menu selections, and security codes for voice mail besides other information services". This text does not describe a system with access to, for example, the external sources, nor access without DTMF means. Additionally, the description of "other information services" in Braman is vague and not enabling.

The Braman reference does not anticipate claim 13 because elements thereof are not described in that publication. Regarding claim 13, the Examiner states that the element "the application system is a unified communications system" is described by Braman at page 7, lines 10 to 13 as "the system provides dialing information, DTMF menu selections, and security codes for voice mail". The Applicant adopts the comments provided in response to the objection to claim 12.

The Braman reference does not anticipate claim 14 because elements thereof are not described in that publication. Regarding claim 14, the Examiner states that the element "the application system comprises equipment within an automobile" is described by Braman at page 4, lines 8 to 9 as "a cellular handset in an automobile". The text describes cell telephone equipment that calls a cell site, where the call is connected to an MTX. This does not describe the use of other equipment in the communication system, which is defined in the claim solely by the requirement that it is located within an automobile. Several of the components, including the application system component of the communication system, are clearly not contained within an automobile in the Braman disclosure.

The Examiner has objected to the specification because it contains "impermissible embedded hyperlink(s) and/or other forms of browser-executable code". The Examiner requires only

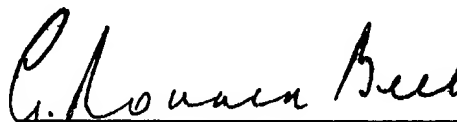
nonexecutable text versions of embedded browser-executable code or hyperlinks that could otherwise transfer the user to another web site, and requires the deletion or conversion to nonexecutable text throughout the specification.

In response, the Applicant states that the only reference in the specification identified by the Examiner is the word "www.tellme.com" at page 4, line 17. This text refers to a system described in the prior art. The specification does not include any other text versions of embedded browser-executable code or hyperlinks, and does not incorporate other materials by reference. The Applicant does not intend that this website reference should be an active link. As noted at MPEP § 608.01, Examiners should not object to these hyperlinks in this case, and the Office will disable these hyperlinks when preparing the text to be loaded onto the USPTO web database. The Applicant respectfully requests that this action be taken in this case.

The Applicant respectfully submits that the above-noted remarks overcome all of the rejections outlined in the outstanding Office Action. Accordingly, reconsideration of the matter is respectfully requested.

It is believed that the application is now in condition for allowance and early action in that respect is courteously solicited. If any issues remain outstanding, the Examiner is invited to contact the undersigned whose telephone number is (613) 233-5684.

Respectfully submitted,



G. Ronald Bell, Reg. No. 19,027
G. Ronald Bell & Associates
P.O. Box 2450, Station "D"
Ottawa, Ontario, Canada K1P 5W6

Date: February 15, 2005